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*Attorneys for Defendant,  
Counterclaimant, Third-Party Plaintiff,  
and Counterdefendant  
Indian Harbor Insurance Company*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

MARIA GARNICA, an individual,  
  
Plaintiff,

v.

INDIAN HARBOR INSURANCE COMPANY;  
DOES I - V, and ROE CORPORATIONS I - V,  
inclusive,

Defendants.

INDIAN HARBOR INSURANCE COMPANY,  
  
Counterclaimant,

v.

MARIA GARNICA,

Counterdefendant.

CASE NO.: 2:21-cv-00560-JCM-VCF

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE THE  
HEARING DATE SCHEDULED FOR  
DEEDS' MOTION TO COMPEL AND  
INDIAN HARBOR'S MOTION FOR  
CLARIFICATION**

**(FIRST REQUEST)**

**Hearing Date: September 6, 2023**

INDIAN HARBOR INSURANCE COMPANY,

Third-Party Plaintiff,

v.

LOUI DEEDS, an individual, NELLY IRAN, an individual, BLUE SHIELD OF CALIFORNIA, a California corporation,

Third Party Defendants.

LOUI DEEDS, an Individual,

Third-Party Defendant's Counterclaim,

v.

INDIAN HARBOR INSURANCE COMPANY;  
DOES I-V, and ROE CORPORATIONS I-V,  
inclusive

Counterdefendants.

COMES NOW, defendant, counterclaimant, third-party plaintiff, and counterdefendant INDIAN HARBOR INSURANCE COMPANY ("Indian Harbor"), by and through its counsel of record, and counterdefendant and counterclaimant LOUI DEEDS ("Deeds"), by and through her counsel of record, to hereby submit this Stipulation and [Proposed] Order and agree as follows:

On June 30, 2023, Deeds filed a Motion to Compel Production of Documents, Privilege Log or a Waiver of the Claimed Privileges, the Deposition of Frank DiPietro, and a Rule 30(b)(6) Designee for Constitution State Services (the "Motion to Compel"). (ECF No. 94). On July 3, 2023, Deeds filed an Ex Parte Motion to Shorten the Time to hear the Motion to Compel (the "Ex Parte Motion"). (ECF No. 95). On July 6, 2023, the Court entered an order vacating all discovery deadlines and denying the Ex Parte Motion (the "July 6<sup>th</sup> Order"). (ECF No. 96). On August 2, 2023, Indian Harbor filed a Motion for Clarification regarding the July 6<sup>th</sup> Order (the "Motion for Clarification"). (ECF No. 105). On August 3, 2023, the Court entered an order ordering that an in-person hearing on the Motion to Compel (ECF No. 94) and the Motion for Clarification (ECF No. 105) is scheduled for 11:00 AM, September 6, 2023, in Courtroom 3D.

Recently, the parties began engaging in substantive settlement discussions in an effort to potentially resolve this action. Currently, a settlement proposal has been made to Indian Harbor

and discussions regarding potential settlement are ongoing. Accordingly, the parties respectfully request that the Court continue the in-person hearing set for the Motion to Compel (ECF No. 94) and the Motion for Clarification (ECF No. 105) until October 4, 2023, or as soon as practicable thereafter, to allow for the parties to further engage in settlement discussions in an effort to potentially resolve this action.

This is the first stipulation for a continuance of the aforementioned hearing date.

SHOOK & STONE, CHTD

CLYDE & CO US LLP

/s/ Kurt D. Anderson

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*Attorneys for Defendant, Counterclaimant,  
Third-Party Plaintiff, and Counterdefendant  
Indian Harbor Insurance Company*

### **ORDER**

#### **IT IS SO ORDERED:**

IT IS HEREBY ORDERED that the hearing scheduled for September 6, 2023, is VACATED, and RESCHEDULED to 10:00AM, October 6, 2023, in Courtroom 3D.

  
UNITED STATES MAGISTRATE JUDGE

DATED: 9-5-2023

## Brouse, Gina

**From:** Potente, Alex  
**Sent:** Friday, September 1, 2023 11:35 AM  
**To:** Kurt Anderson; Leonard Stone  
**Cc:** Lipsitz, Sam; Todd, Dylan; Mackenzie, Andrea; Brouse, Gina  
**Subject:** RE: Garnica Hearing Date on MTC [CC-US2.05289.10164655/007.FID861865]  
**Attachments:** [DRAFT] Stipulation to Continue Hearing Date on MTC and Clarification Motion.docx

Thank you Kurt. Gina will file this now.

Alex Potente  
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**From:** Kurt Anderson <KAnderson@shookandstone.com>  
**Sent:** Friday, September 1, 2023 11:31 AM  
**To:** Potente, Alex <Alex.Potente@clydeco.us>; Leonard Stone <lstone@shookandstone.com>  
**Cc:** Lipsitz, Sam <Sam.Lipsitz@clydeco.us>  
**Subject:** RE: Garnica Hearing Date on MTC [CC-US2.FID861865]

Alex,

Please affix my signature approving this stipulation.

Kurt Anderson



### Kurt Anderson | Attorney

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